IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 16386 of 2007(A)

PETITIONER:

ANNIE LAZAR,
T.C.20/18, KIZHAKKUMPAT KARA,
THRISSUR-5.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. STATE OF KERALA REP.BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF PUBLIC WORKS, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, ROADS SUB DIVISION, THRISSUR.

3. THE VILLAGE OFFICER, CHEMPUKKAVU VILLAGE, CHEMPUKKAVU, THRISSUR.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 16386 OF 2007 - A

Dated this the 14th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P3 direction by which the petitioner's compound wall and gate have been directed to be demolished. The petitioner's contention is that no notice or hearing as contemplated under the Kerala Land Conservancy Act and Rules had preceded Ext.P3 and therefore, the same is violative of principles of natural justice.

2. The learned Government Pleader, who argues on instructions, could not satisfy me that Ext.P3 was preceded by a notice and a hearing which are mandatory under the Kerala Land Conservancy Act and Rules. Even for invoking the emergency provisions, the respondents are bound to record reasons in the order. No reason whatsoever is forthcoming from Ext.P3. That being so, Ext.P3 is vitiated by non-compliance of principles of natural justice. Accordingly, Ext.P3 is quashed. However, it would be open to the respondents, if so wish, to proceed afresh after issuing a notice, affording an opportunity to adduce evidence to the petitioner, hearing her and passing a speaking order.

The writ petition is allowed as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007